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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
Baltersee 1-1-1

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on August 18, 2005

Signature 

Typed or printed name Naren Chaganti

Application Number
09/758,302

Filed
January 11, 2001

First Named Inventor
Jens Baltersee

Art Unit
2631

Examiner
Bocure, Tesfaldet

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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Registration number _____


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Registration number if acting under 37 CFR 1.34 _____

August 18, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.



*Total of One forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Baltersee et al.

Ser. No.: 09/758,302	Examiner: Bocure, Tesfaldet
Filed: January 11, 2001	Art Unit: 2631
Title: Adaptive Code-Tracking Receiver For Direct-Sequence Code-Division Multiple Access (CDMA) Communications Over Multipath Fading Channels And Method For Signal Processing In A Rake Receiver	Docket No.: Baltersee 1-1-1

Appellant's Statement in Support of Request for a PreBriefing Review

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Summary of the Final Rejection and Request for Review

There are 24 total claims, of which claims 1 and 13 are independent claims. The Examiner has allowed all but the independent claim. The claims are directed toward a RAKE receiver for spread spectrum signals. Claim 1 reads as follows.

1. Rake receiver for spread spectrum signals comprising a plurality of rake fingers each rake finger being adapted to receive a signal being part of a multipath signal and associated with a path of the multipath, said signal having a delay relative to an other signal associated with an other path of the multipath signal, a summation unit communicatively coupled to said plurality of rake fingers for generating a summation signal based on the signals received from at least some of the rake fingers, said summation signal having an improved signal to noise ratio (SNR) if compared with the signal to noise ratio (SNR) of at least one of the rake fingers,

a timing error detector coupled to each rake finger for detecting an error of a delay (t) of the signal of a rake finger and for generating a timing error signal which is sent to a unit for compensating the error of the respective delay (t), and is based on the signals associated with paths of the multipath signal of more than one rake finger.

Examiner states that Applicant's own stated prior art—in addition to those matters of which the Examiner took Official Notice—renders claim 1 (and for similar reasons, claim 13) obvious under 35 U.S.C. § 103(a). In particular, Examiner argues that the rake receiver having a plurality of branches having a detection path, and timing and error detecting loop having an early and late correlator for detecting and correcting the received signals. Examiner states that the summation unit was not disclosed in the Applicant's own stated prior art, but was obvious in view of the Official Notice he took.

Applicant respectfully disagrees with the Examiner—and therefore requests review—because the Examiner did not consider the features of any of the components that he claimed were present in the prior art. For example, Examiner did not consider the qualifier that qualifies the summation unit, “from at least some of the rake fingers, said summation signal having an improved signal to noise ratio (SNR) if compared with the signal to noise ratio (SNR) of at least one of the rake fingers.” Moreover, examiner did not show the basis of his Official Notice that the summation unit with these features (which is what is claimed) is known to one of ordinary skill in the art. To say that persons of ordinary skill in the art knew not only a summation unit, which is itself not proven, but also with the feature that the summation signal had an improved SNR compared with the SNR of the rake finger signals goes well short of the standard of proof required to show obviousness under 35 U.S.C. § 103(a).

Respectfully submitted,


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